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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,261	02/03/2000	Nicholas J. Mankovich	US000036	8558
24737	7590	01/15/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			ABDI, KAMBIZ	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			3621	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/498,261	MANKOVICH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kambiz Abdi	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5,7-10,15 and 17-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5,7-10,15 and 17-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.  
14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 22.  
4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

#### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office action is incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
  - Claims 1, 7, and 15 are amended.
  - Claims 6, 11, and 16 have been canceled.
  - Claims 1-5, 7-10, 15, and 17-20 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 November 2003 has been entered.

#### ***Response to Arguments***

4. Applicant's arguments filed 23 October 2003 have been fully considered but they are not persuasive for the following reasons:

In response to applicant argument regarding rejection of Claims 1, 8, and 15 under 35 U.S.C. § 102 as being anticipated by Chen;

5. Examiner would like to bring the attention of the applicant to the fact that Chen reference clearly teaches the option of recording the transactional information for fulfilling the order placed by the consumer (See Chen column 5, lines 5-8). In addition the "one touch purchase" or "single click buy" is old and well established in the business of e-commerce as a convenient way for a consumer to pay for purchased items (See Daly figures 6 and 7 this reference has been used in rejecting the current application on an earlier office action as well as the U.S. Patent no. 5,819,034 to Joseph Kuriacose

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column 8, lines 34-68 and column 9, lines 1-1-2). As it is clear Chen reference clearly teaches the step of "consumer can place an order simply by depressing an order button 30 or any similar mechanism to automatically transmit data to an order processing station..."(Emphasis added). Clearly Chen reference teaches the "single click purchase" and even other means of or mechanism that are clearly known in the art. Therefore, the examiner maintains the rejections of the claimed invention as they have been amended and presented in their current form.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-5, 7-9, 15, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,737 to Humphrey D. Chen in view of U.S. Patent no. 5,819,034 to Joseph Kuriacose.

8. As per claims 1, 7, and 15, Chen discloses a receiving device, system, and method comprising:

- a content access device that is configured to receive content material simultaneously with an item identifier associated with the content material from a provider (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14), and
- a purchase request processor, operably coupled to the content access device and an input device, that is configured to receive a purchase request from the input device and the item identifier directly from the content access device, and produces therefrom a processed purchase request (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14),

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- a rendering device, operably coupled to the content access device, that is configured to render the content material (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14),
- the input device including a "buy" switch that is pre-programmed with a user's predetermined purchasing information in response to a single activation of the buy switch without the user being required to enter any additional data (See Kuriacose column 8, lines 34-68 and column 9, lines 1-2), and
- a purchase request buffer for storing at least one purchase request the in put device and the item identifier to facilitate a purchase of an item corresponding to the item identifier subsequent to the rendering device rendering the content material (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14), and
- wherein the content access device is further configured to communicate the processed purchase request to the provider (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).

What is not clearly defined by the Chen reference is the method used by the "single click purchase". However, Kuriacose clearly teaches one method that is well known in the e-commerce transactions to pay for a purchase by using "single click purchase". Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to incorporate a method of "single click" payment to Chen system in order to make it more convenient for the consumer for paying for the purchased items or information.

9. As per claims 2, 4-5, 8, 9, and 16, Chen clearly discloses all the limitations of claim 1, further;

Chen discloses,

- wherein the content access device is further configured to associate the purchase request and the item identifier based on a coincidence of a time of receipt of the purchase request and a time interval

associated with the rendering of the content material (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).

- the purchase request processor is further configured to receive a transferred purchase request and a transferred item identifier, and to produce there from the processed purchase request.
- the purchase request processor is further configured to receive certification information associated with the purchase request (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14), and
- wherein the processed purchase request includes the certification information (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).
- a "buy" switch (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14), and
- wherein the purchase request from the input device is produced in response to an activation of the "buy" switch (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).

10. As per claim 19, Chen clearly discloses all the limitations of claim 15, further;

Chen discloses,

- transferring the purchase request to one or more intermediary devices (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14), and
- wherein communicating the purchase request to the provider is via the one or more intermediary devices (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).

11. As per claim 20, Chen clearly discloses all the limitations of claim 15, further;

Chen discloses,

- further including attaching certification information to the purchase request that is communicated to the provider (See Chen abstract, column 1, lines 45-68, column 2, lines 1-30, column 3, lines 7-20, column 5, lines 23-68, and column 6, lines 1-14).

12. Claims 3, and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,737 to Humphrey D. Chen in view of U.S. Patent no. 5,819,034 to Joseph Kuriacose as applied to claims 1, 7, and 15 above, and further in view of John R. Anderson, Patent No.5,991,601.

13. As per claims 3 and 10, Chen discloses all the limitations of claims 1 and 7as discussed above. What Chen does not explicitly teach is the system to store content within a memory before access rights have been granted. However, Anderson clearly teaches a system and method for identification of a digital content based on a broadcast. Anderson teaches how to access a system to obtain such a digital item before usage right has been granted and store this digital content in a local memory (See Anderson column 8, lines 43-68 and column 9, lines 1-10 and 25-36).

14. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to simply provide content to the users within the local memory before the usage rights or authorization has been granted. One good example of this kind digital content would be the software items. Traditionally software is delivered through a medium such as floppy disks, CD-ROMs, Magnetic Tapes, or via the Internet. There are many software vendors that include the entire application or the game or any other content within the first delivery of content but limit the usage to either a limited time period or just a limited version of the application. Once the purchase process has been completed and an authorization has been received the entire digital content becomes available to the consumer.

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15. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,737 to Humphrey D. Chen in view of U.S. Patent no. 5,819,034 to Joseph Kuriacose as applied to claims 1, 7, and 15 above, and further in view of John R. Anderson, Patent No. 5,991,601 and Roy J. Mankovitz, Patent No. 5,949,492.

16. As for claims 17 and 18 Chen discloses all the limitations of claim 15 as discussed above. What Chen does not explicitly teach is the system to store content within a memory before access rights have been granted. Additionally, Chen does not explicitly teach the relationship between content identification and the time interval in conjunction with the rendering of the material. However, Anderson clearly teaches a system and method for identification of a digital content based on a broadcast. Anderson teaches how to access a system to obtain such a digital item before usage right has been granted and store this digital content in a local memory (See Anderson column 8, lines 43-68 and column 9, lines 1-10 and 25-36). The same argument of motivation can be stated as it has been discussed in the above claim.

17. In addition Mankovitz explicitly teaches a system for identification of the rendered material based on function of time in relation to the station that broadcasts the material (See Mankovitz column 2, lines 60-68 and column 3, lines 1-58). Identification of rendered material through a simultaneous broadcast of item identification along with the rendered material or usage of time, date, station call name combination or any combination thereof is a well known in the art and all aspects of these methods have been discussed in the above mentioned patents. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to incorporate a method of identifying a broadcast material based on relative information such as time, date, station call id in conjunction with other identifiable information from the broadcasting program.

18. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response,

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to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

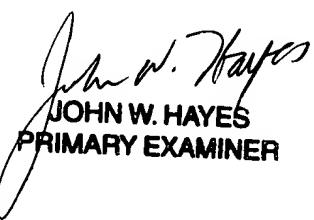
(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive  
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K  
December 23, 2003**



JOHN W. HAYES  
PRIMARY EXAMINER